THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.17575 of 2006

Date : 23-8-2006

Between:

Vatsavai Subba Raju,
S/o.late Venkata Raju,
Aged about 58 years,
C/o.S.Rajasekhar,
H.No.8-2-64, Pallapu Veedhi,
Pithapuram,
East Godavari District. ..
Petitioner

And

1. The Municipal Commissioner,
   Pithapuram Municipality,
   East Godavari District.
2. The District Collector,
   East Godavari District,
   Kakinada.
3. The Revenue Divisional Officer,
   Kakinada,
   East Godavari District.
4. The Superintending Engineer,
   R&B Department,
   Kakinada,
   East Godavari District. ..
Respondents

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ORDER:

Heard the Counsel.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in proposing to take/encroach the petitioner's house site in S.No.250/1, 11th Ward, Pithapuram town, Pithapuram, East Godavari District for widening the road without paying any compensation nor initiating any due procedure of law as illegal, arbitrary, unjust and violative of Articles 14, 19, 21 and 300-A of Constitution of India besides being violative of principles of natural justice and consequently to direct the respondents not to encroach the said house of the petitioner and to pass such other suitable orders.

In the affidavit filed in support of the Writ Petition, several factual details had been narrated. The main grievance of the writ petitioner is that without following the due process of law either under Land Acquisition Act or

Municipalities Act or under the relevant Enactments, the respondents are trying to encroach into the petitioner's property.

It is needless to say that the respondents are bound to follow the due process of law before taking or encroaching into the petitioner's property. In view of the same, the Writ Petition is disposed of directing the respondents not to interfere with the petitioner's property unless they follow the due process of Law. No costs.

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Justice

P.S.Narayana

Date : 23-8-2006

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